

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Deviante Davis,

Plaintiff,

v.

16th Circuit Solicitor, 16th Circuit Presiding
Judge,

Defendants.

C/A No.: 0:22-cv-4602-SAL

ORDER

This matter is before the court for review of the January 12, 2023, Report and Recommendation (the “Report”) of United States Magistrate Judge Shiva V. Hodges, made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 8.] In the Report, the Magistrate Judge recommends summarily dismissing this case for Plaintiff’s failure to prosecute and failure to comply with this court’s orders pursuant to Rule 41 of the Federal Rules of Civil Procedure. *Id.* at 1–2. As noted in the Report, Plaintiff initially filed his complaint on December 19, 2022, but he has since failed to receive any of the court’s orders or communication because all mail has been returned to the court as undeliverable. *Id.* at 1.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to

accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 8, and incorporates the Report by reference herein. Accordingly, this action is **DISMISSED** without prejudice.

IT IS SO ORDERED.

/s/ Sherri A. Lydon
United States District Judge

March 14, 2023
Columbia, South Carolina